

05-08-01

SP 1644

EXPRESS MAIL NO.: EL750475520US



# TRANSMITTAL FORM

Application Serial Number	09/248,964
Filing Date	February 12, 1999
First Named Inventor	Wucherpfenning et al.
Group Art Unit	1644
Examiner Name	A. Decloux
Attorney Docket No.	HAR-005
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

RECEIVED

MAY 14 2001

TECH CENTER 1600/2900

## ENCLOSURES (check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><input checked="" type="checkbox"/> Response to Restriction Requirement<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><input checked="" type="checkbox"/> Petition for Extension of Time<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)<br><input type="checkbox"/> Formal Drawing(s)<br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> CD(s) for large table or computer program<br><input type="checkbox"/> Amendment After Allowance<br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><input type="checkbox"/> Appeal Brief (in triplicate)<br><input type="checkbox"/> Status Inquiry<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|--|--|

## CORRESPONDENCE ADDRESS

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## SIGNATURE BLOCK

Respectfully submitted,

Date: May 7, 2001  
 Reg. No. 44,559  
 Tel. No.: (617) 248-7103  
 Fax No.: (617) 248-7100

*Maureen A. Bresnahan*  
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 Attorney for Applicants  
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 125 High Street  
 Boston, MA 02110



Complete if Known	
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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																					
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																																																																							
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<b>CORRESPONDENCE ADDRESS</b> Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100		<b>SIGNATURE BLOCK</b> Respectfully submitted,  Maureen A. Bresnahan Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Date: May 7, 2001 Reg. No.: 44,559 Tel. No.: (617) 248-7103 Fax No.: (617) 248-7100																																																																																					



EXPRESS MAIL NO.: EL750475520US  
PATENT  
Attorney Docket No. HAR-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wucherpfenning et al.  
SERIAL NO.: 09/248,964 GROUP NO.: 1644  
FILING DATE: February 12, 1999 EXAMINER: A. Decloux  
TITLE: MONOVALENT, MULTIVALENT, AND MULTIMERIC MHC  
BINDING DOMAIN FUSION PROTEINS AND CONJUGATES, AND  
USES THEREFOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

This paper is responsive to the Office Action mailed from the United States Patent and Trademark Office on March 12, 2001. The shortened statutory period for response expires on April 12, 2001. A Petition and fee for a one-month extension of time are enclosed.

Group I - Claims 1-7, drawn to class II Major Histocompatibility Complex fusion protein comprising the binding domain of an MHC class II  $\alpha$  chain and a dimerization domain, classified in Class 530, subclass 350;

Group II - Claims 8-14, drawn to a class II Major Histocompatibility Complex fusion protein comprising the binding domain of an MHC class II  $\beta$  chain and a dimerization domain, classified in Class 530, subclass 350; and

Group III - Claims 103-113, drawn to a Major Histocompatibility Complex fusion protein comprising a heterodimer of an MHC class II  $\beta$  chain fusion protein and an MHC class II  $\alpha$  chain fusion protein, classified in Class 530, subclass 350.

Applicants hereby elect claim Group III (i.e., claims 103-113) with traverse. Applicants submit that the restriction is improper and should be withdrawn because a search of any one of the claim groups would necessarily include a search in the classes and subclasses relevant to each

Response to Restriction Requirement

Serial No.: 09/248,964

Page 2

of the other claim groups. Applicants thus request reconsideration of the requirement for restriction and examination of all claims (i.e., claims 1-20 and 103-113).

The Office Action states that if Group III is elected, Applicants are required to elect a class II Major Histocompatibility Complex comprising a specific MHC  $\alpha$  component. Applicants hereby elect HLA-DR2 as the specific MHC  $\alpha$  component.

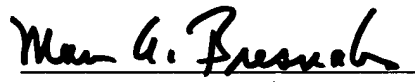
The Office Action further states that if Group III is elected, Applicants are required to elect a class II Major Histocompatibility Complex comprising a specific MHC  $\beta$  component. Applicants hereby elect HLA-DR2 as the specific MHC  $\beta$  component.

Finally, the Office Action states that if Group III is elected, Applicants are required to elect a class II Major Histocompatibility Complex fusion protein comprising a specific Fc component. Applicants hereby elect IgG as the specific Fc component.

A Petition and fee for a one-month extension of time are enclosed. Applicants believe that no additional fee is due to have this Response entered. However, if any additional fee is due the Commissioner is hereby authorized to charge Deposit Account 20-0531.

Respectfully submitted,

Date: May 7, 2001  
Reg. No.: 44,559  
Tel. No. (617) 248-7103  
Fax No. (617) 790-0036

  
Maureen A. Bresnahan  
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